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STATE CAPITOL
PHOENIX, ARIZONA

September 2, 1965

DEPARTMENT OF LAW LETTER OPINION NO. 65-136-L (R-130)

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REQUESTED BY: John O. Graham, Commissioner
Department of Public Welfare

QUESTION: May the cost of distributing food stamps under the federal "Food Stamp Act of 1964" be charged to the appropriation available for General Assistance under A.R.S. Section 46-136 (C)?

ANSWER: Yes.

Section 46-136 (C) provides that:

"The state department shall expend from appropriations available for general assistance, or from any amounts otherwise available by law, amounts as in the discretion of the state board are determined necessary for such purpose in conjunction with any agency or department of the federal government for the purpose of receiving and distributing commodities offered to public welfare agencies for needy persons. The amount so determined may be expended by the department in payment of expenses necessarily incurred by reason of the receipt or distribution of such commodities."

The above statute authorizes the state department to pay all expenses deemed necessary to provide for the receipt and distribution of commodities to needy persons in conjunction with any agency of the federal government. It further provides that these expenses may be appropriated from funds available under General Assistance.

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(R-130)

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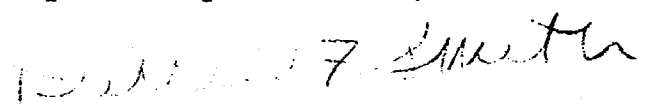
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Since the federal "Food Stamp Act of 1964" provides that the state agency of each participating state assumes the responsibility for the issuance of the coupons, it cannot be disputed that the cost of distributing the federal food stamps is a necessary expense to enable the state to participate with the federal government under said act.

Attorney General's Letter Opinion No. 59-122-L dated August 28, 1959, in construing A.R.S. Section 46-136 stated the method, manner and purposes of such expenditures is left up to the discretion of the state board and as such is a matter of administrative determination as to the necessity of each expenditure. We concur with said opinion.

It is therefore the opinion of the Attorney General that under A.R.S. Section 46-136 (C), the cost of distributing federal food stamps under the federal "Food Stamp Act of 1964" is an expense which may be charged to the appropriation available for General Assistance.

Respectfully submitted,


DARRELL F. SMITH
The Attorney General

DFS/cah